IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

CRL.A.No. 2079 of 2003()

AGAINST THE ORDER IN CRLP.612/2003 Dated 12/12/2003
CC.1183/1999 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

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APPELLANT: COMPLAINANT

M/S.ENNEM MOTOR CREDIT PVT.LTD.,
HEAD OFFICE, PIONEER TOWERS, MARINE DRIVE,
COCHIN HAVING ITS BRANCH OFFICE AT M.G.ROAD,
RAVIPURAM JN., ERNAKULAM REPRESENTED BY ITS
BRANCH MANAGER BIJI MATHEW.

BY ADV. SRI.G.SHRIKUMAR
SMT.P.LISSY JOSE.

RESPONDENTS: ACCUSED

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1. ANOOP ARAVIND, VRINDAVAN HOUSE,
KOLLAMPARAMBIL, VYTILLA, COCHIN-19.

2. STATE OF KERALA,REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.2079 of 2003(D)

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Dated this the 19th day of September, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.1183/1999 in the file of the Additional Chief Judicial Magistrate (E&O), Ernakulam, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 17/10/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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